

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANTHONY D. HILL,

Plaintiff,

v.

VALUE INN 22246,

Defendant.

CASE NO. C17-0087JLR

ORDER DISMISSING
COMPLAINT WITH LEAVE TO
AMEND

I. INTRODUCTION

Before the court is *pro se* Plaintiff Anthony D. Hill's complaint against Defendant Value Inn 22246 ("Value Inn") (Compl. (Dkt. # 4)) and six motions for various forms of relief (1st Mot. (Dkt. # 5); 2d Mot. (Dkt. # 6); 3d Mot. (Dkt. # 7); 4th Mot. (Dkt. # 8); 5th Mot. (Dkt. # 9); 6th Mot. (Dkt. # 10)). Mr. Hill is proceeding *in forma pauperis* ("IFP") (IFP Order (Dkt. # 3)). In granting Mr. Hill IFP status, Chief Magistrate Judge James P. Donohue recommended review of Mr. Hill's amended complaint under 28 U.S.C. § 1915(e)(2)(B). (*Id.*) The court has conducted the recommended review and

1 DISMISSES Mr. Hill's complaint and GRANTS Mr. Hill's motion for leave to amend
2 his complaint as set forth below. The court DENIES Mr. Hill's other motions as moot.

3 II. BACKGROUND

4 On January 23, 2017, Mr. Hill filed a motion for leave to proceed IFP (IFP Mot.
5 (Dkt. # 1)) along with a proposed complaint (Prop. Compl. (Dkt. # 1-1)). On January 27,
6 2017, Magistrate Judge Donohue granted Mr. Hill's IFP motion, and Mr. Hill's complaint
7 was filed on the court's docket the same day. (IFP Order; Compl.) In his order,
8 Magistrate Judge Donohue recommends review of Mr. Hill's complaint under 28 U.S.C.
9 § 1915(e)(2)(B). (IFP Order at 1.)

10 Although the limited allegations in Mr. Hill's complaint are difficult to follow,
11 Mr. Hill's complaint appears to stem from Mr. Hill's eviction from a hotel where he had
12 been renting a room. (*See* Compl. at 2 (stating that the hotel manager "punked the cops,
13 told them to take my clothes and give them to me" and asking "[u]nder [the] law[,], am I
14 still [a] legal resident?").) Mr. Hill alleges that the hotel manager entered the room he
15 was renting and took "over [the] settings on [his] computer to turn [his] web cam on and
16 change[] [his] passwords and other stuff." (*Id.* at 1.) Mr. Hill also alleges that the
17 manager "illegally entered [his] room" and "claim[ed that he] was smoking" when he
18 was not present. (*Id.*) Mr. Hill further asserts that he had been living in the hotel "about"
19 eight weeks and needs "clothes, meds, [et cetera]." (*Id.* at 2.)

20 In addition, Mr. Hill brings six motions. Mr. Hill seeks an order "to occupy" the
21 hotel room where he had "resided" for "almost [eight] weeks" (1st Mot. at 1), an order
22 "to allow" him to "reclaim" his "legal residence" (2d Mot. at 1), and an order for a

1 “search warrant” to search the hotel room Mr. Hill was renting because a hotel
2 “employee states [that the hotel manager] planted [a] pistol” in the room (3d Mot. at 1).
3 In addition, Mr. Hill seeks to amend his civil cover sheet to “reflect ‘proper filing’”
4 because he “is disabled and had to get stronger glasses to read [the check] boxes” on the
5 form (4th Mot. at 1) and to amend his complaint to include “internet fraud, illegal attempt
6 to connect to Mr. Hill’s personal computer,” “intimidation,” “participating in [a] crime
7 ring,” “police lying on Mr. Hill,” and “911 calls” (5th Mot. at 1). Finally, Mr. Hill
8 requests an evidentiary hearing to require the hotel manager to “bring Mr. Hill’s
9 property” to the court and “establish [the] chain of custody of property and any damage
10 to computers.” (6th Mot. at 1.) Mr. Hill asserts that such a hearing will allow Mr. Hill
11 and the court to “then see what/who/when upon powering up the laptop.” (*Id.*)

12 The court now evaluates Mr. Hill’s complaint under Section 1915 and addresses
13 his six pending motions.

14 III. ANALYSIS

15 Title 28 U.S.C. § 1915(e)(2)(B) requires a district court to dismiss a claim filed
16 IFP if the court determines “at any time” that (1) the action is frivolous or malicious, (2)
17 the action fails to state a claim, or (3) the action seeks relief from a defendant who is
18 immune from such relief.¹ *See* 28 U.S.C. § 1915(e)(2)(B). The court concludes that Mr.
19 Hill’s complaint is frivolous and fails to state a claim.

21 ¹ Although 28 U.S.C. § 1915 expressly addresses the filings of prisoner litigants, the
22 court must also screen the filings of non-prisoner civil litigants seeking to proceed IFP. *Calhoun*
v. Stahl, 254 F.3d 845, 845 (9th Cir. 2001) (per curiam).

1 *Pro se* pleadings must be liberally construed, *Balistreri v. Pacifica Police Dep't*,
2 901 F.2d 696, 699 (9th Cir. 1990), but the factual allegations of a complaint must be
3 “enough to raise a right to relief above the speculative level,” *Bell Atl. Corp. v. Twombly*,
4 550 U.S. 544, 555 (2007). The court need not accept as true a legal conclusion presented
5 as a factual allegation. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). Although Federal
6 Rule of Civil Procedure 8 does not require “detailed factual allegations,” it demands more
7 than “an unadorned, the-defendant-unlawfully-harmed-me accusation.” *Id.* (citing
8 *Twombly*, 550 U.S. at 555). If a plaintiff’s complaint is deficient and amendment could
9 cure the deficiency, the court must dismiss the complaint with leave to amend. *See*
10 *Eldridge v. Block*, 832 F.2d 1132, 1135-37 (9th Cir. 1987).

11 First, Mr. Hill fails to state the basis for subject matter jurisdiction or to allege
12 facts from which the court could reasonably infer a basis for exercising subject matter
13 jurisdiction. Federal Rule of Civil Procedure 8(a) requires Mr. Hill to include “a short
14 and plain statement of the grounds for the court’s jurisdiction” in his complaint. Fed. R.
15 Civ. P. 8(a). However, Mr. Hill provides no information regarding the domicile of Value
16 Inn, and it appears the amount in controversy for any claim he attempts to assert is
17 considerably less than the \$75,000.01 minimum for purposes of diversity jurisdiction.
18 *See* 28 U.S.C. § 1332(a). In addition, as the court discusses below, the claims at issue are
19 unclear, but it does not appear that Mr. Hill asserts any federal claims. *See* 28 U.S.C.
20 § 1331. Accordingly, Mr. Hill fails to allege facts to support the court’s jurisdiction.

21 Second, Mr. Hill’s complaint contains only conclusory allegations and lacks facts
22 that plausibly support liability. The court cannot determine what claims Mr. Hill

1 attempts to assert and cannot identify facts in Mr. Hill's complaint from which the court
2 can reasonably infer that Value Inn is liable to Mr. Hill. (*See* Compl. at 1-2.) Even
3 though Mr. Hill is proceeding *pro se* and the court construes his pleadings liberally, *see*
4 *Hebbe v. Pliler*, 627 F.3d 338, 341-42 (9th Cir. 2010), his complaint is nevertheless
5 evaluated under the *Iqbal/Twombly* pleading standards, *see id.* at 342; *see also Twombly*,
6 550 U.S. at 555; *Iqbal*, 556 U.S. at 678. The complaint falls far short of the applicable
7 pleading standard.

8 For these reasons, the court dismisses Mr. Hill's complaint. However, when a
9 court dismisses a *pro se* plaintiff's complaint, the court must give the plaintiff leave to
10 amend unless it is absolutely clear that amendment could not cure the defects in the
11 complaint. *Lucas v. Dep't of Corr.*, 66 F.3d 245, 248 (9th Cir. 1995). Accordingly, the
12 court grants Mr. Hill's motion to amend his complaint. (*See* 5th Mot.) Mr. Hill has 20
13 days from the date of this order to file an amended complaint that corrects the
14 deficiencies the court identifies herein.² If Mr. Hill chooses to amend his complaint, his
15 amended complaint must include a short and plain statement that describes (1) the factual
16 circumstances of the alleged harm, e.g., where and when it occurred; (2) the actions of
17 Value Inn that give rise to Mr. Hill's claims; (3) the basis for the court's jurisdiction; and
18 (4) the relief Mr. Hill seeks. *See* Fed. R. Civ. P. 8(a)(1)-(3). If Mr. Hill fails to timely
19 comply with this order or fails to file an amended complaint that remedies the
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21 ² The court cautions Mr. Hill that "the general rule is that an amended complaint
22 super[s]edes the original complaint and renders it without legal effect." *Lacey v. Maricopa Cty.*,
693 F.3d 896, 927 (9th Cir. 2012) (en banc).

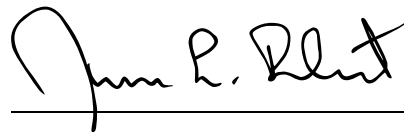
1 deficiencies identified herein, the court will dismiss his complaint without leave to
2 amend.

3 Finally, the court denies Mr. Hill's remaining motions as moot. (*See* 1st Mot.; 2d
4 Mot.; 3d Mot.; 4th Mot.; 6th Mot.)

5 **IV. CONCLUSION**

6 For the foregoing reasons, the court DISMISSES Mr. Hill's complaint (Dkt. # 4),
7 GRANTS Mr. Hill leave to amend his complaint within twenty (20) days of the date
8 of this order (Dkt. # 9), and DENIES Mr. Hill's remaining motions as moot (Dkt. ## 5, 6,
9 7, 8, 10).

10 Dated this 3rd day of February, 2017.

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13 JAMES L. ROBART
14 United States District Judge
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